

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1560 OF 2016

Nandkishor s/o. Laxmanrao Somwanshi & Ors... Applicants
Versus
The State of Maharashtra & Anr. .. Respondents

Mr.S.J. Salunke, Advocate for the petitioner.
Mr.D.R. Kale, A.P.P. for respondent/State.
Mr.Girish Thigle h/f. Mr.S.A. Wakure, Advocate for R-2.

**CORAM : A.V.NIRGUDE &
V.L.ACHLIYA, JJ.**

DATED : 26.07.2016

P.C. :-

1. In pursuance of our earlier order, the applicant deposited a sum of Rs. 4 lakhs with this Court and said amount is now transferred to a bank as fixed deposit. This Court has also directed that this amount shall remain invested in the bank as fixed deposit till further orders and interest on this amount should be paid directly to the victim - respondent No.2.

2. Respondent No.2 is a deaf and dumb person. Taking advantage of her condition, some miscreants exploited her sexually in the village. She became pregnant and thereafter her parents were required to take her to the applicants, who are medical practitioners and their staff, for getting the pregnancy terminated. After

the surgical procedure at the hands of the applicants, the victim was taken to another hospital, where she was further treated. It was then realized that the victim was put to loss by the applicants due to their medical negligence. The complainant admitted that she had consented for medical termination of pregnancy and therefore offence punishable under section 313 of the Indian Penal Code and even offence punishable under the provisions of the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, are not applicable to the facts of the case.

3. We, prima facie, found that the dispute could be settled between the parties. Accordingly, this dispute is settled and the complainant does not want to take the case as against the applicants further. In view of this, the case as against the applicants stands quashed. The earlier order regarding deposit of the amount and payment of interest shall continue till further orders.

4. The Criminal Application stands disposed of accordingly.

[V.L.ACHLIYA, J.]

[A.V.NIRGUDE, J.]